
By: **Senator Astle**

Introduced and read first time: February 6, 2004

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Medical Services and Treatment - Health Care**
3 **Provider Panel**

4 FOR the purpose of providing that an employer or its insurer may require a covered
5 employee to select a health care provider from a certain panel of health care
6 providers established by the employer or its insurer; providing that an employer
7 or its insurer is not responsible for medical expenses under certain
8 circumstances; providing that an employer or its insurer is responsible for
9 medical expenses in the case of an emergency; providing that certain other
10 obligations or rights may not be impaired or modified; and generally relating to
11 medical services and treatment under workers' compensation law.

12 BY repealing and reenacting, without amendments,
13 Article - Health - General
14 Section 4-301(a), (d), and (h)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2003 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Labor and Employment
19 Section 9-660
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Health - General**

25 4-301.

26 (a) In this subtitle the following words have the meanings indicated.

1 (d) "Emergency" means a situation when, in the professional opinion of the
2 health care provider, a clear and significant risk of death or imminent serious injury
3 or harm to a patient or recipient exists.

4 (h) (1) "Health care provider" means:

5 (i) A person who is licensed, certified, or otherwise authorized
6 under the Health Occupations Article or § 13-516 of the Education Article to provide
7 health care in the ordinary course of business or practice of a profession or in an
8 approved education or training program; or

9 (ii) A facility where health care is provided to patients or recipients,
10 including a facility as defined in § 10-101(e) of this article, a hospital as defined in §
11 19-301(g) of this article, a related institution as defined in § 19-301(o) of this article,
12 a health maintenance organization as defined in § 19-701(f) of this article, an
13 outpatient clinic, and a medical laboratory.

14 (2) "Health care provider" includes the agents, employees, officers, and
15 directors of a facility and the agents and employees of a health care provider.

16 **Article - Labor and Employment**

17 9-660.

18 (a) In addition to the compensation provided under this subtitle AND SUBJECT
19 TO SUBSECTION (D) OF THIS SECTION, if a covered employee has suffered an
20 accidental personal injury, compensable hernia, or occupational disease the employer
21 or its insurer promptly shall provide to the covered employee, as the Commission may
22 require:

23 (1) medical, surgical, or other attendance or treatment;

24 (2) hospital and nursing services;

25 (3) medicine;

26 (4) crutches and other apparatus; and

27 (5) artificial arms, feet, hands, and legs and other prosthetic appliances.

28 (b) [The] SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE employer or its
29 insurer shall provide the medical services and treatment required under subsection
30 (a) of this section for the period required by the nature of the accidental personal
31 injury, compensable hernia, or occupational disease.

32 (c) Except as provided in § 9-736(b) and (c) of this title, any award or order of
33 the Commission under this section may not be construed to:

34 (1) reopen any case; or

1 (2) allow any previous award to be changed.

2 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (II) "EMERGENCY" HAS THE MEANING STATED IN § 4-301(D) OF THE
5 HEALTH - GENERAL ARTICLE.

6 (III) "HEALTH CARE PROVIDER" HAS THE MEANING STATED IN §
7 4-301(H) OF THE HEALTH - GENERAL ARTICLE.

8 (2) AN EMPLOYER OR ITS INSURER THAT IS REQUIRED TO PROVIDE
9 MEDICAL SERVICES OR TREATMENT TO A COVERED EMPLOYEE UNDER THIS
10 SECTION MAY REQUIRE THE COVERED EMPLOYEE TO CHOOSE A HEALTH CARE
11 PROVIDER FROM A PANEL OF AT LEAST THREE HEALTH CARE PROVIDERS THAT IS
12 ESTABLISHED BY AN EMPLOYER OR ITS INSURER.

13 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, AN
14 EMPLOYER OR ITS INSURER IS NOT RESPONSIBLE FOR MEDICAL EXPENSES
15 INCURRED BY A COVERED EMPLOYEE FOR MEDICAL SERVICES OR TREATMENT
16 RENDERED BY A HEALTH CARE PROVIDER NOT INCLUDED IN A PANEL ESTABLISHED
17 UNDER PARAGRAPH (2) OF THIS SUBSECTION.

18 (4) (I) IN THE CASE OF AN EMERGENCY, A COVERED EMPLOYEE MAY
19 OBTAIN MEDICAL SERVICES OR TREATMENT FROM A HEALTH CARE PROVIDER THAT
20 IS NOT INCLUDED IN A PANEL ESTABLISHED UNDER PARAGRAPH (2) OF THIS
21 SUBSECTION.

22 (II) AN EMPLOYER OR ITS INSURER IS RESPONSIBLE FOR MEDICAL
23 EXPENSES INCURRED BY A COVERED EMPLOYEE FOR MEDICAL SERVICES OR
24 TREATMENT RENDERED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

25 (5) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO IMPAIR OR
26 MODIFY EXISTING OBLIGATIONS OR CONTRACT RIGHTS.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2004.